Level 2, 11-13 Pearl Street, Kingscliff NSW 2478
PO Box 1623, Kingscilff NSW 2478
(02) 6674 5001
www.planitconsulting.com.au

Planit Ref: J6100
Council Ref: N/A

22 December 2020

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Concept Development Application & Stage 1 Works
Rural Land Sharing Communities - Nightcap at 2924, 2956, 2984, 3222 and 3234 Kyogle Road, Kunghur (21 Lots).

Dear Madam/Sir,

With reference to the above site, please find attached a development application prepared by Planit Consulting Pty Ltd on behalf of NCV Enterprises. All of the applicable documentation has been completed in full and accompanies this application.

The Development Application package comprises:

- Completed DA Forms;
- Completed DA Checklists;
- Completed Electronic Lodgement Checklist;
- Owner's Consent; and
- 1 x Electronic copy of the Development Application Package.

All files including SEE, forms, supporting documents, attachments and reports have been submitted via the Planning Portal as per Council advice as they transition to the portal online lodgement process.

For clarity, the Application has been submitted 3x times with Council and has received 3x rounds of preliminary lodgement advice. Council's return advice to the most recent application rejection in November 2020 identified the absence of owners consent for works within the Kyogle Road Reserve, being Council owned land, for intersection upgrades.

The Concept and Stage 1 DA do not result in any physical works external of land owned by the Applicant, limiting Stage 1 to minor private road upgrades. It has been anecdotally discussed with Council's traffic engineer that development beyond 'typical' rural pursuits in the area would require Traffic Impact Assessment could require intersection upgrades. This led previous iterations of the design to consider the wider public benefit and cumulative impacts of both the Village and RLSC. The nexus for intersection upgrades were a cumulative effect of the classification of the road, the need to relocate the access and the possibility of a public spine road dedication which may be associated with the Village. As a standalone component, the RLSC's do not trigger these effects or intersection upgrades, and as such, intersection upgrades have been removed from the concept.

In addition, the Bitzios report concludes that the sites current access both pre and post development does not exceed the operating capacity and therefore does not require intersection upgrades.

The proposal simply sets out the framework for future DA's to investigate and respond to such requirements in accordance with Clause 4.22(5) of the *Environmental Planning and Assessment Act 1979*, further, a holistic infrastructure co-ordination and delivery plan is committed to within the Stage 2 Development Application and iterations of subsequent detailed design stages to further interrogate infrastructure provision.

In addition, the following updates and raised matters have been addressed in full within the application and relevant sections advised.

1. **Land Owners Consent:** - **2/DP1148316 & 20/755714** - **Council owners consent** - **Crown owners consent**	- Purchase of 2/DP1148316 & 20/755714 with land settlement confirmed (17 November 2020), new owners consent provided as well as a confirmation letter from the Applicants solicitor. - Proposal extent modified to exclude any works outside the property boundaries, removing any requirement for Council owners consent. - Additionally, Council owners consent item has been addressed with legal advice accompanying the previous application package. - Reissued Crown owners consent provided.
2. **Satisfy Clause 7.10**	Additional discussion provided within SEE and Specialists reports (water strategy, OSSM strategy, etc) confirming essential services can be provided.
3. **Bushfire Assessment Report**	Bushfire Report updated to reflect AS3959:2018
4. **Clarify works proposed for each stage**	Additional staging plans provided to the Concept Plans (Appendix A2) and detailed breakdown of staging added to SEE.
5. **Statement of Environmental Effect**	Additional discussion on Clause 5.16 added to SEE
6. **Land Owners Contact Details**	Planit consulting is authorized to act on behalf of all land owners and any contact would be best directed through Planit staff.
7. **Development Application Form**	Form updated as accompanying the application
8. **Plans**	Land areas have been calculated as per current Land Title documents, which exclude Crown road reserve areas. We note that approximately 29.6ha of additional land area will result from the Crown road purchase. This would be confirmed upon finalised titling of road reserves following settlement and ahead of Stage 2 subdivision particulars.
9. **Biodiversity Conservation Act 2016**	Following Council advise and position, a Biodiversity Development Assessment Report (BDAR) now accompanies the application in Appendix E1
10. **Sewerage Management**	Additional discussion points added to SEE and Concept Sewerage Management Design Report from Precise Environmental (Appendix I). **Of note**: the strategy covers the range of individual instances and several options for the

	site, confirming suitable servicing of individual plots and essential services. The strategy also considers available management mechanisms, disinfection options, and the like. However, opportunity exists to explore alternative and innovative technologies and options, which may include centralised systems (as suitable), which we look forward to progressing under the future DA application and detailed design.
11. **Potable Water Management**	Similarly to item 10, additional discussion points have been added to SEE and Concept Potable Water Management Design Report from Precise Environmental (Appendix H). **Of note**: ground truthing and detailed analysis has confirmed the suitability of the strategy and provision of essential services. Commentary has been added regarding the unlikely need for tanker import and suitable amenity considerations.
12. – 14 **Aboriginal Cultural Heritage Assessment**	The Aboriginal Cultural Heritage Assessment (Appendix C) has been updated to confirm the proposals position on ultimate avoidance of impacts to cultural artefacts and value. The Constraints Analysis Plans now include identified artefacts. The ACHMP and SEE address the methodology of this mapping exercise and acknowledge the future studies which will be undertaken at each future stage of Development Application. Councils commentary has also prompted some early consultation and contact to relevant Native Title stakeholders which Everick Consulting is actioning.
15. **Amenity and Land Use Conflict**	Additional discussions have been added to the SEE and supporting reports in relation to amenity, traffic and land use conflict. **Of Note**: the proposal relates to planned and legislated rural land use (Rural Land Sharing Communities) and seeks to establish (ultimately) low impact rural dwellings within the rural landscape. Access and position of these dwellings affords significant setback to adjoining lands to ensure perceived impacts of traffic, noise, lighting, etc, are minimised.
16. **Neighbourhood Management Statement**	Council raise note on community facilities and potential to attract outside visitors. The SEE has provided additional commentary on this, though ultimately it is considered these facilities will be within private land and for use of the community and residents. This has considered the guidance of TSC Community Facilities Plan and TSC Open Space Strategy, though these public facilities are intended to establish within the Village zoned land as this project progresses. Where opportunity for public access is noted (such as markets), this will be explored at detailed DA stages and subject to relevant approval/permit processes.
17. **Housing Affordability**	Additional commentary has been provided within the SEE and Economic Impact Assessment. **Of note**: Rural Land Share is not specifically defined as affordable housing though allows reduced ongoing cost, sharing of resources, low impact (and cost) establishment and the like to be considered 'more affordable' than alternative housing types. In particular, RLSC is significantly lower cost than other housing focussed along the coastal strip and in the Tweed Shire, which is an exceptionally desirable and expensive location to purchase. The Applicant has also provided additional discussion on purchase, buy back and partial buy back options for investors to free up funding and investment.

	This responds to Council actions and position within the Rural Land Strategy which raises effective management under RLSC as a key consideration. There is also dwelling plots set to be gifted to tribal and aboriginal community members in a unique and real act of conciliation, as well as the ability to offset initial purchase costs for community benefit and services such as employment, marketing, building, agriculture, water carting, etc. Overall the proposal is seen as a more affordable and unique dwelling typology which resonates with its intended community members.
18. **Scenic Landscape**	Additional commentary has been provided within the Visual Impact Assessment and SEE in relation to the Tweed Draft Scenic Landscape Strategy. Ultimately the expansive site, while visible form key vantage points, provides small scale dwellings, well dispersed amongst an undulating landscape. This upholds the desired 'forested hills' and 'rural hills and valleys' character and visual outcomes envisioned for the area under the Draft Scenic Landscape Strategy. It is submitted that visual impact has been appropriately considered in concept and can be managed and addressed through detailed design stages.
19. **Built Form Design**	While this is a matter to addressed at subsequent DA stages, the applicant acknowledges Councils comments and agrees that overarching objectives and desired character discussions should be set out early to assist guiding development of latter stages. As such standalone Architectural Design Guidelines have been developed in Appendix Q. These remain light touch initially to allow individuals a level of flexibility in design. These can be further developed as more individual plot detail is known and ultimately seeks endorsement from the Community Management Committee ahead of formal approval processes with Council.
20. **Site and Context Analysis**	Additional context plans and detail has been added to the plan package and SEE. Bushfire has not been added as due to the scale and site specific studies, this is better addressed within the Bushfire Safe Report. A Social Impact Assessment and addressing of the additional heads of consideration under Schedule 5 of the Primary Production SEPP has been added to the Economic Impact Assessment in Appendix B and concludes an overall strong net positive social outcome within the region. Additional response to Schedule 5 is also provided within the SEE.
21. **Strategic Planning Context**	An extensive summary and response to Local, Regional and State strategic planning resources is provided within the SEE. Council is directed to Sections 3.12, and Section 5.1-5.8 of the SEE.

Please proceed to assess the application in accordance with the requirements of the *Environmental Planning & Assessment Act 1979*. If you have any questions relating to the information submitted, please do not hesitate to contact our office on 02 6674 5001.

Yours sincerely

Daniel Mulherin
Town Planner

Planit Consulting